

(Caption of Case)

Office of Regulatory Staff, Complainant/Petitioner
vs. Quail Pointe Apartments, Defendant/RespondentBEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2007 - 228 - G

(Please type or print)

Submitted by: Scott ElliottSC Bar Number: 1872Address: 721 Olive StreetTelephone: 803-771-0555Columbia, SC 29205Fax: 803-771-8010

Other: _____

Email: selliott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)
☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input checked="" type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Extension Request
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	by Consent
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

ELLIOTT & ELLIOTT, P.A.
ATTORNEYS AT LAW
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

February 13, 2008

Mr. Charles L. A. Terreni
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

RE: Office of Regulatory Staff v. Quail Pointe Apartments
Docket No. 2007-228-G

Dear Mr. Terreni:

Enclosed please find the Third Party Petition of the Defendant/Respondent Quail Pointe, LLC which I would ask you to file and serve on the third party respondent. By order dated January 25, 2008, the Commission continued the proceedings in the above and authorized the Respondent Quail Pointe, LLC to serve a necessary party. In accordance with SC Rule Ann. 103-830, I would ask you to serve the third party respondent. The party to be served is So. Co. Residential Partners, LLC. The registered agent is Corporation Service Company, 5000 Thurmond Mall Blvd., Columbia, SC 29201. I am attaching for your assistance a copy of the most recent posting on the Secretary of State web site confirming the registered agent.

By copy of this correspondence I am serving counsel for the ORS with Respondent's third party petition. Also I am enclosing a extra copy of the third party petition which I would ask you to date stamp and return in the stamped self addressed envelope provided. If you or counsel have questions, please feel free to contact me.

Sincerely,

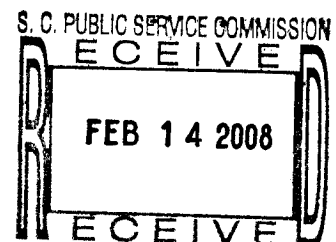
Elliott & Elliott, P.A.

Scott Elliott

SE/jcl

Enclosures

cc: Jeffrey M. Nelson, Esquire
Stephan C. Ouverson, Esquire



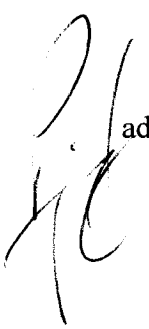
**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2007-228-G**

Office of Regulatory Staff,)
)
Complainant/Petitioner)
)
vs.)
)
Quail Pointe Apartments,)
)
Defendant/Respondent)
_____)
Quail Pointe, LLC)
)
Third Party Petitioner)
)
vs.)
)
So. Co. Residential Partners, LLC)
)
Third Party Complaint/Petitioner.)
_____)

**AMENDED ANSWER & THIRD
PARTY PETITION**

The Defendant/Respondent, Quail Pointe, LLC (hereinafter "Quail Pointe") would answer the Petition for and Rule to Show Cause of the Complainant/Petitioner as follows:

FOR A FIRST DEFENSE

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1. Each and every allegation of the Petition not hereinafter specifically admitted, qualified or explained is expressly denied and strict proof demanded thereof.
 2. Quail Pointe admits the allegations contained in paragraphs 1 and 2 of the Petition.
 3. Quail Pointe is without sufficient information or knowledge to either admit or deny the allegations contained in paragraphs 3 and 4 of the Petition and therefore would deny the same and demand strict proof thereof.

4. Quail Pointe would deny the allegations contained in paragraphs 5 and 6 of the Petition and would demand strict proof thereof. Further, Quail Pointe would assert that they obtained this apartment complex in April of 2005 and that it inherited a system that was already in place. A system that Quail Pointe uses is to hire an outside company to determine the charge for natural gas based upon the square footage of the unit. Quail Pointe pays the costs of this outside service and Quail Pointe pays the provider of the natural gas on a monthly basis and allows its tenants to pay their monthly charge over time.

5. Quail Pointe admits the allegations contained in paragraph 7 of the Petition.

6. Quail Pointe denies the allegations contained in paragraph 8 of the Petition, and demands strict proof thereof.

7. Quail Pointe admits the allegations in paragraphs 9 and 10 of the Petition.

8. Quail Pointe denies the allegations contained in paragraphs 11 and 12 of the Petition, and demands strict proof thereof.

9. Quail Pointe would further show unto this Commission that in May of 2007 Quail Pointe sold its interest in the property in question.

**FOR A SECOND DEFENSE
AND BY WAY OF A THIRD PARTY PETITION**

10. Quail Pointe re-alleges the allegations of Paragraph 1 through 9 above as if repeated verbatim herein.

11. Quail Pointe owned and operated Quail Pointe Apartments during a period leading up to May 9, 2007 at which time Quail Pointe sold the subject apartments to So. Co. Residential Partners, LLC for and good and valuable consideration.

12. Quail Pointe is informed and believes that So. Co. Residential Partners, LLC

remains the current owner of Quail Pointe Apartments.

13. The allegations of the petition herein, if proven by Petitioner, would affect rights and interests of So. Co. Residential Partners, LLC, to include the termination of natural gas service to the Quail Pointe Apartments.

14. The Respondent Quail Pointe is informed and believes that So. Co. Residential Partners, LLC is a party necessary to disposition of the within docket.

15. Quail Pointe is informed and believes that the South Carolina Public Service Commission should conduct its hearing on the allegations in the Petition and Third Party Petition to determine the rights, obligations and liabilities of the respective parties hereto and issue its order pursuant to 26 S.C. Code Ann. Regs. 103-825A(2) declaring the rights and interest of the parties with respect to the allegations of the petition.

13
WHEREFORE, having fully answered and pled its third party petition against the Third Party Defendant So. Co. Residential Partners, LLC, the Respondent/Third Party Petitioner Quail Pointe, LLC prays as follows:

- 1) That the Public Service Commission inquire into the matters alleged herein to determine the rights, obligations and interests of the respective parties;
- 2) That the Public Service Commission dismiss the petition and rule to show cause herein; and
- 3) For such other and further relief that this Commission deems just and proper.



Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, SC 29205
803-771-0555
803-771-8010
selliott@elliottlaw.us

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P. A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicate below:

RE: Office of Regulatory Staff v. Quail Pointe Apartments

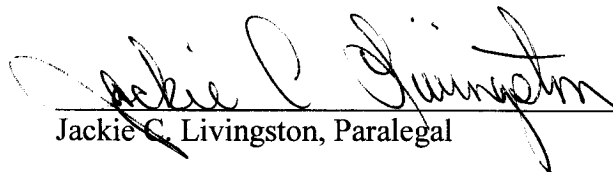
DOCKET NO.: Docket No.: 2007-228-G

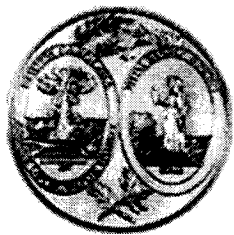
PLEADING: AMENDED ANSWER & THIRD PARTY
PETITION

PARTIES SERVED:

Jeffrey M. Nelson, Esquire
SC Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, SC 29211

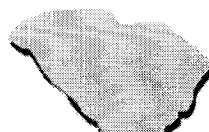
This 13th day of February, 2008.


Jackie C. Livingston, Paralegal



Secretary of State Search

Mark Hammond's Office

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Office of the South Carolina Secretary of State

Business Filings Division

Information for: **SO. CO. RESIDENTIAL PARTNERS, LLC**[Check Charities Database](#)

Note*** This online database was last updated on 02/13/2008 see our Disclaimer

DOMESTIC / FOREIGN:

Domestic

STATUS:

Good Standing

STATE OF INCORPORATION /

ORGANIZATION:

SOUTH CAROLINA

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME: CORPORATION SERVICE
COMPANY
ADDRESS: 1703 LAUREL STREET
CITY: COLUMBIA
STATE: SC
ZIP: 29201
SECOND ADDRESS:

FILE DATE: 04/06/2007
EFFECTIVE DATE: 04/06/2007
DISSOLVED DATE:

CORPORATION HISTORY RECORDS

Code	File Date	Comment	Document
Agent	12/06/2007	CHG AGTS ADD CORPORATION SERVICE COMPANY	FILM
DOMESTIC LIMITED LIABILITY COMPANY	04/06/2007	AT WILL	FILM

[Return to Previous Page](#)